

PROVISIONAL MUNITIONS TRIBUNALS RULES (IRELAND).

**RULES for Constituting and Regulating Munitions
Tribunals in Ireland made in pursuance of
Section 15 of the Munitions of War Act, 1915,
by the Lord Lieutenant as far as relates to
Offences, and by the Minister of Munitions
as far as relates to other matters.**

*Presented to both Houses of Parliament in pursuance of Section 17 of the
Munitions of War Act, 1915.*

*Ordered, by The House of Commons, to be Printed,
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1915

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RULES FOR CONSTITUTING AND REGULATING MUNITIONS TRIBUNALS IN IRELAND MADE IN PURSUANCE OF SECTION 15 OF THE MUNITIONS OF WAR ACT, 1915, BY THE LORD LIEUTENANT AS FAR AS RELATES TO OFFENCES, AND BY THE MINISTER OF MUNITIONS AS FAR AS RELATES TO OTHER MATTERS.

The Lord Lieutenant and the Minister of Munitions hereby certify under Section 2 of the Rules Publication Act, 1893, that on account of urgency the following Rules shall come into operation forthwith as Provisional Rules.

PROVISIONS APPLICABLE TO TRIBUNALS OF THE SECOND CLASS.

1. A Munitions Tribunal of the second class (hereinafter referred to as a Local Munitions Tribunal) shall consist of a person (hereinafter referred to as the Chairman) appointed for the purpose by the Minister of Munitions sitting with assessors drawn respectively from an employers' panel and from a workmen's panel constituted by the Minister of Munitions in accordance with these rules and duly summoned to serve on such Local Munitions Tribunal.

2. A Local Munitions Tribunal shall have jurisdiction to deal only with complaints that any person has acted in contravention of or failed to comply with regulations made applicable to the controlled establishment in which he is either an employer or is employed or an undertaking into which a workman has entered under Section 6 (1) of the Munitions of War Act, 1915 (hereinafter referred to as the Act), and complaints that an employer has unreasonably withheld his consent under Section 7 of the Act.

3. A Local Munitions Tribunal shall be constituted in accordance with the regulations set out in the first Schedule hereto, being regulations made under Part II of the National Insurance Act, 1911, with reference to Courts of Referees, adapted for the purposes of the Act.

4. Any complaint with which a Local Munitions Tribunal is competent to deal shall be made by any person aggrieved or by or on behalf of the Minister of Munitions in writing to the Chairman of the Local Munitions Tribunal appointed for the district in which the matter arose, or to some other person appointed by him for the purpose.

5. If no sitting of a Local Munitions Tribunal shall previously have been fixed at which such complaint may conveniently and expeditiously be heard, the Chairman shall cause assessors to be summoned to attend a special meeting of the Tribunal in accordance so far as may be with the rota. Notice of the sitting shall be given wherever practicable not less than one week in advance.

6. Where the complaint relates to an offence under the Act :—

- (i) The Chairman, or some other person appointed as aforesaid, shall (if satisfied that there is a *prima facie* case) issue a notice in the form set out in the second Schedule hereto or such other form as the Lord Lieutenant may determine to the person or persons in respect of whom the complaint is made, to appear before the Tribunal at such place and time as the Chairman may appoint. A notice posted as a registered letter by or on behalf of the Chairman to the last known place of abode of such person or persons shall be deemed to have been duly served.
- (ii) The Chairman or some other person appointed as aforesaid shall send to the person who has made the complaint notice of the time and place of the hearing.
- (iii) No person shall be fined for an offence under the Act unless he has appeared before the Local Munitions Tribunal or the Tribunal is satisfied that he has had a reasonable opportunity of so appearing.
- (iv) The Tribunal shall for the purpose of adjudicating upon any such complaint have power to take evidence upon oath.
- (v) So far as is consistent with the provisions of the Act and any Rules made thereunder, the provisions of the Summary Jurisdiction (Ireland) Acts and the Criminal Justice Administration Act, 1914, with regard to enforcing the attendance of any persons before a Court of Summary Jurisdiction and with regard to the recovery of fines otherwise than by imprisonment, shall apply to proceedings under the Act as though the Local Munitions Tribunal were a Court of Summary Jurisdiction, and as if the Chairman were a Justice of the Peace or other magistrate having jurisdiction in the place where the Tribunal sits, a complaint were an information laid upon oath, a notice to appear were a summons duly issued and served, and an offence under the Act were an offence punishable on summary conviction.
- (vi) Where a fine has been imposed on a person employed or a workman by a Local Munitions Tribunal, that Tribunal may make an order requiring such deductions to be made on account of the fine from the wages of such person employed or workman as the Tribunal think fit and requiring the person by whom the wages are paid to pay to the clerk to the Tribunal or other person appointed for the purpose by the Minister of Munitions any sums so deducted.

7. Where the complaint relates to the withholding of consent by an employer under Section 7 of the Act :—

- (i) The Chairman, or some other person appointed as aforesaid, shall (if satisfied that there is a *prima facie* case) issue a notice in the form set out in the third Schedule

hereto, or such other form as the Minister of Munitions may determine, to the person or persons in respect of whom the complaint is made, to appear before the Tribunal at such place and time as the Chairman may appoint.

- (ii) Notice of the time and place of sitting of the Local Munitions Tribunal to which this complaint will be reported or referred shall be sent to the person by whom the complaint was made so that it would reach him in the ordinary course of post not less than 24 hours before the sitting of the Tribunal, and such person shall be entitled to attend such sitting during the consideration of his case, provided that with the consent of such person the case may be considered by a Local Munitions Tribunal notwithstanding that notice has not been given to him in accordance with this rule.
- (iii) In any case in which it appears that the evidence of any person is necessary to the decision of the case, the Chairman may direct that such person or persons be summoned to attend the Tribunal, and expenses in respect of such attendance shall be allowed on a scale approved by the Treasury, and for the purposes aforesaid the provisions of the Summary Jurisdiction (Ireland) Acts with regard to requiring the attendance of persons before a Court of Summary Jurisdiction shall apply accordingly.

3. No party to any proceeding before a Local Munitions Tribunal shall be represented by counsel or solicitor.

PROVISIONS APPLICABLE TO TRIBUNALS OF THE FIRST CLASS.

9. A Munitions Tribunal of the first class (hereinafter referred to as a General Munitions Tribunal) shall consist of a person (hereinafter referred to as the Chairman) appointed for the purpose by the Minister of Munitions sitting with assessors drawn respectively from an employers' panel and from a workmen's panel provided for the purpose by the Minister of Munitions and may be constituted generally or for any district specified by the Minister of Munitions.

10. A General Munitions Tribunal shall have jurisdiction to deal with all offences under the Act and any other matters therein specified, but shall not deal with any matter with which a Local Munitions Tribunal is competent to deal unless such matter arises in connection with a matter with which a Local Munitions Tribunal is not competent to deal, or is for any reason referred to the General Munitions Tribunal by the Minister of Munitions.

11. Any complaint relating to any matter with which a Local Munitions Tribunal is not competent to deal, shall be made in writing by any person aggrieved or by or on behalf of the Minister of Munitions or by any person acting on the instructions general or special of the Minister of Munitions to the Chairman of a General

Munitions Tribunal appointed for the district in which the matter arose or to the Minister of Munitions who shall forthwith refer the case to a General Munitions Tribunal.

12. Where the complaint relates to an offence under the Act the provisions of Rule 6 shall apply, subject to the following modifications:—

- (i) The words "General Munitions Tribunal" shall be substituted for the words "Local Munitions Tribunal" wherever they occur.
- (ii) The Chairman, or some other person appointed by him for the purpose, shall (if satisfied that there is a *prima facie* case) issue a notice in the form set out in the fourth Schedule hereto or such other form as the Lord Lieutenant may determine to the person or persons in respect of whom the complaint is made, to appear before the Tribunal at such place and time as the Chairman may appoint.
- (iii) Any person upon whom a fine of £20 or more has been imposed by a General Munitions Tribunal may appeal under the Summary Jurisdiction (Ireland) Acts in like manner as if the fine were a fine imposed by a Court of Summary Jurisdiction.
- (iv) Sub-clause (v) shall be read as if the words "otherwise than by imprisonment" were struck out, except as regards offences within the jurisdiction of a Local Munitions Tribunal.

13. Where the complaint relates to the withholding of consent by an employer under Section 7 of the Act the provisions of Rule 7 shall apply as though the words "General Munitions Tribunal" were substituted for the words "Local Munitions Tribunal."

PROVISIONS APPLICABLE TO BOTH CLASSES OF TRIBUNALS.

14. No case shall be heard, tried, or adjudged except in open Court.

15. The Chairman shall consult with his assessors before giving his decision.

16. The question of costs shall be in the absolute discretion of the Chairman, who may order the same to be paid by any party or parties to the proceedings in such manner as he shall direct, and may either assess the amount thereof himself or may refer the same for assessment to any other person appointed by the Minister of Munitions for the purpose. An order for costs may be enforced by the Tribunal in the same way as a fine.

17. The Minister of Munitions shall appoint for each Tribunal a clerk, to whom all fines shall be paid; fines shall be paid by him into the Exchequer.

18. Every Tribunal shall keep a register of complaints made to them and proceedings taken by them under the Acts, and shall furnish the Minister of Munitions with duplicates thereof when required by him to do so.

19. Subject as aforesaid, the procedure of a Munitions Tribunal shall be such as the Lord Lieutenant or the Minister of Munitions may determine.

20. The Interpretation Act, 1889, shall apply for the purpose of the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

21. These Rules may be cited as the Munitions Tribunals (Ireland) Rules, 1915, and shall come into force as from the 4th day of August, 1915.

SIGNED as far as relates to offences by

WIMBORNE,

*Lord Lieutenant General and General Governor
of Ireland.*

DUBLIN CASTLE.

SIGNED as far as relates to other matters by

D. LLOYD GEORGE,

Minister of Munitions.

MINISTRY OF MUNITIONS,

6, WHITEHALL GARDENS, S.W.

4th August, 1915.

SCHEDULE I.

1. Unless the Minister of Munitions shall otherwise direct, the members of panels of persons representing employers and workmen constituted under Section 90 of the National Insurance Act, 1911, for their respective districts, shall, if willing to serve, be the panels for the purposes of Local Munitions Tribunals for the same districts.

2. The term of office of the Chairman and of the members of the panels shall be such period as the Minister of Munitions may direct.

3. Casual vacancies on the panels, whether of employers or workmen, may be filled by the Minister of Munitions, and any person employed to fill a vacancy shall hold office until the expiration of the period during which the person in whose place he is appointed would have held office. Provided that the Minister shall not be bound to fill any casual vacancy unless he thinks fit so to do, and a panel shall not be deemed to be improperly constituted by reason only that a casual vacancy on the panel has not been filled.

4. Each member of a panel shall, so far as practicable, be summoned to serve in turn upon the Local Munitions Tribunal from a rota prepared in advance. Such summons shall be by notice given not less than one week in advance wherever practicable. Provided that where a meeting of a Local Munitions Tribunal takes place immediately before or after a meeting of a Court of Referees for the same district the members of the employers' and workmen's panels summoned to serve as members of such Court of Referees may be summoned to serve also as assessors on such Tribunal.

5. The Chairman shall be appointed by the Minister of Munitions, and no person who is either an employer or a workman in any trade or group of trades to which the provisions of Part II of the Act apply shall be qualified for appointment as Chairman.

6. In the event of any member of a panel being unavoidably prevented from attending a sitting of a Local Munitions Tribunal at the time when he is summoned in accordance with the rota, any other member of the panel may be summoned in his place.

7. A supplementary Local Munitions Tribunal may be constituted for any district at any time by the Minister of Munitions, and members of the panel for that district may be summoned to attend such Tribunal by one clear day's notice if practicable.

SCHEDULE II.

NOTICE TO APPEAR.

TAKE NOTICE that a complaint having been made against you as set out below by
evidence will be taken at a meeting of the Munitions Tribunal
to be held at a.m., on the
p.m.,
at , and if you wish to
reply to the charge you should attend at the time and place above
mentioned, and bring with you any witnesses you desire to call.

If you do not attend the hearing as above and do not send a reasonable excuse, the Tribunal, if satisfied that the complaint alleged below is well founded, is empowered to fine you in your absence to an amount not exceeding £3.

The complaint alleges that

SCHEDULE IV.

NOTICE TO APPEAR.

TAKE NOTICE that a complaint having been made against you as set out below by evidence will be taken at a meeting of the General Munitions Tribunal to be held at a.m., on the
p.m.,
at

You are hereby requested to reply to the charge at the hearing as above. If you do not attend or send a reasonable excuse, the Tribunal, if satisfied that the complaint alleged below is well founded, is empowered to impose upon you the penalties in the Act provided.

The complaint alleges that